

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES,
Plaintiff,
v.
ALFONZO WILLIAMS,
Defendant.

Case No. [13-cr-00764-WHO](#)

ORDER TO PRESERVE EVIDENCE

Re: Dkt. No. 261

As there was no opposition to Defendant Alfonzo's Motion to Preserve Evidence, and for good cause shown, the motion is GRANTED. I have added the phrase, "As relevant to this case" in the beginnings of numbered paragraphs 3 and 4 to clarify what should be obvious, that the obligation to preserve the material described must relate to this case. The following materials are ordered to be preserved pending resolution of this case, including any appeal or subsequent habeas corpus proceedings:

1. All notes taken by Federal, State, or local law enforcement officers investigating any aspect of this case, including but not limited to the actual charges filed here, and including investigations of any alleged criminal activity that the Government plans to use.

2. All physical evidence seized, acquired, or otherwise used as part of the investigation of this case which is in the care and custody of law enforcement officers, including Federal government agents and officials, California state officials, or local law enforcement agencies.

1 3. As relevant to this case, all material, items, contraband, evidence, or submissions to
2 laboratories that are either a part of or contract with the Federal government or that are a part of or
3 contract with California state, or California local governments.

4 4. As relevant to this case, any and all material, items, evidence, including but not
5 limited to samples, extractions, biological material, crime scene evidence, suspected crime scene
6 evidence, as well as any records of processing, examination, or actual testing of said material or
7 evidence that are either a part of or contract with the Federal government or that are a part of or
8 contract with California state, or California local governments.

9 5. Any and all materials, notes, records, phone records, analyses, charts, and
10 analytical materials pertinent to the allegations in this case and/or to the defendants, witnesses,
11 including cooperators and informants associated with this case, in the control or possession of any
12 of the gang intelligence, intelligence, or intelligence gathering components of any and all law
13 enforcement agencies involved in this case, be they Federal, State, or local.

14 The Office of the United States Attorney shall inform all law enforcement officers, agents,
15 investigators, personnel, officials, including laboratory officials or officials involved in the
16 acquisition, processing, and review of intelligence material to preserve intact all of their notes,
17 materials, and evidence pertinent to this case, including any notes of surveillance, notes reflecting
18 activities, notes of witness interviews, tape recordings, or other recordings of interviews, as well
19 as all physical evidence acquired, seized, examined, or processed until further order of the Court.
20 Within ten (10) days of this Order, the Government is to provide to the defense written notification
21 of any investigating entity associated with this case that may have the above-referenced materials
22 in its possession and serve the appropriate officials within each entity with a copy of this Order
23 and the Second Superseding Indictment. Counsel for Mr. Williams may serve a copy of this Order
24 and the Second Superseding Indictment on such entities as they become known to the defense.
25 Proofs of service shall be filed with the Court. Within thirty (30) days of service of a copy of this

Order, any investigating entity may raise a written objection by way of motion in this Court. Prior to the filing of such an objection, the entity shall meet and confer with defense counsel for Mr. Williams to attempt resolution of any disputes by way of stipulation and order. The materials described in this Order shall be preserved until such time as the Court modifies or vacates this Order pursuant to either stipulation or an objection that is sustained by the Court. Any destruction of such materials shall be reported to counsel for the Government and counsel for Mr. Williams.

IT IS SO ORDERED.

Dated: February 13, 2015



WILLIAM H. ORRICK
United States District Judge